

DOCKET NO.: REM-101
Application No.: 10/678,118
Office Action Dated: December 24, 2008

REMARKS/ARGUMENTS

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested.

Applicant submitted a reply including an amendment on May 18, 2008 that has not been entered. Consequently, Applicant is re-submitting the amendment.

Claims 26-92 and 104-113 will be pending were pending. By this amendment, claims 26-32, 34-41, 43-46, 49-51, 54, 56, 59-66, 68, 70, 72, 73, 77-79, 84, 87, 89-92, and 109 are amended. No claims have been canceled or added. No new matter is added. Upon entry of this amendment claims 26-92 and 104-113 will be pending.

Applicant respectfully submits that, upon entry of the subject amendment, the application will be in condition for allowance. Applicant, thus, respectfully requests consideration of the above amendment and following remarks.

Claims 22-78 stand rejected under 35 U.S.C. § 101 as being directed to unpatentable subject matter.

During the interview the Examiner indicated that the Office Action at page 3 inadvertently refers to claims 26-103 and should instead refer to claims 26-92 and 104-113. Consequently, claims 26-92 and 104-113 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Pat. No. 6,594,633 to Broerman ("Broerman").

Applicant would like to thank Examiner Augustin for conducting a telephonic interview with Applicant's representative. Applicant's representative and Examiner Augustin discussed the prior art in comparison with the claims. The interview was helpful in facilitating and progressing the prosecution of the present application.

The present invention is directed to a system and method for facilitating a closing of a real estate transaction such as a closing a sale of a real estate property or closing a mortgage on real estate property. In contrast to prior art inventions such as those disclosed by Broerman that are directed to electronically receiving an application for a loan or negotiating a purchase agreement, the present invention is directed to closing a

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real estate transaction. In some embodiments, the closing documents may be transmitted electronically for storage or to a lender.

Prior Art

Broerman:

Broerman is directed to a network for searching, showing, and negotiating a purchase agreement for a real estate property. See abstract. Consequently, the network allows the buyer to find a property and negotiate a purchase agreement. The system schedules events up to the settlement date. The closing actions 208 are shown in detail in Figure 10 of Broerman. Broerman is not concerned with processing data and documents to transfer title.

Rejections

All of the independent claims require (in various forms as amended) receiving a digital image of at least one ancillary document.” The Office Action refers to electronic copies of documents. However, there is no citation provided as to an ancillary document (only electronic copies). Applicant respectfully submits that Broerman fails to teach this claim limitation as amended.

Similarly, the independent claims require the electronic closing documents comprise the ancillary document. Broerman similarly fails to disclose this claim element.

Applicant respectfully submits that Broerman also fails to disclose the subject matter of the following claims and others:

- Claim 30 - electronic signature is a handwritten signature;
- Claim 32 - transaction comprises a closing of a mortgage on the property;
- Claim 33 - condition comprises a survey;
- Claim 34 - transaction comprises a sale of a loan to mortgage investors;
- Claim 39 - first part is a mortgage investor;
- Claim 41 - financing terms includes lender;

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Claim 46, 81 – preliminarily compiled document is a negotiable financial instrument;

Claim 49 - preliminarily compiled document is a Truth in lending document;

Claim 50 - handwritten signature is a scanned image;

Claim 51 - preliminarily compiled form document is a HUD-1'

Claim 56 - electronically filing electronic closing documents;

Claim 57 – electronic filing with a government agency; and

Claim 86 - maintaining a date to disburse funds subsequent to closing date.

Amendments

Independent claims 26, 64, 75, and 78 have been amended to overcome the rejection under 35 U.S.C. § 101.

The additional amendments made herein have been made to clarify the claimed inventions and/or to claim subject matter not yet claimed, but that comprises subject matter Applicant deems believes is worth pursuing patent protection. In addition, in view of the comments above regarding the rejections, none of the following claim amendments are deemed by Applicant to be necessary to distinguish over the prior art and Applicant makes these amendments to clarify the claims and/or to expedite prosecution to allowance.

Independent claims 26, 64, 65, 78, 84, 89, and 91 have been amended to include limitations related to storing virtual files, searching the virtual files, and updating the virtual files. These claim elements are supported at pages 15-17, Figure 10 and elsewhere in the present application (see, for example, reference to Add/Update a File screen, Find File button 1030 and statements such as "Once a particular file is selected... that record can be changed, view or updated using the Update File button 1040...").

Independent claims 26, 64, 65, 72, 78, and 91 have been amended to require a plurality of form documents be compiled with the real estate transaction information.

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This feature therefore reduces redundant entering of data and is supported throughout the specification such as at the Abstract, pages 4, 20-22, and elsewhere.

Independent claims 64, 65, 72, 94 and 89 have been amended to require generating and outputting two different reports. A first report identifies either deeds or mortgages filed with a government recordation service (e.g., a county clerk). Support for this claim element can be found in the specification at page 27 and elsewhere (Recordation Report). The second report includes information of a plurality of closings of real estate transactions. Support for this claim element can be found in the specification at pages 25 (see closed loans reports and Banker reports), 26 (Post Closing Reports) and elsewhere.

In view of the foregoing, it is respectfully submitted that the claimed invention is patentably distinguished over the asserted prior art references and that the application stands in condition for allowance. It is respectfully requested that the application be reconsidered, that all pending claims be allowed, and that the application be passed to issue.

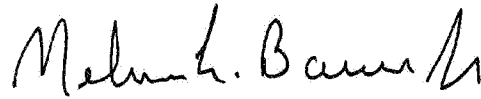
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CONCLUSION

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact Mel Barnes at (410) 757-6643, to discuss any other changes deemed necessary in a telephonic interview.

Authorization is hereby granted to charge any deficiencies in fees, including any fees for extension of time under 37 C.F.R. §1.136(a), to Deposit Account 50-3970. Please credit any overpayment in fees to the same deposit account.

Date: March 20, 2009

A handwritten signature in dark ink, appearing to read "Melvin L. Barnes, Jr.", written over a horizontal line.

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